



ACTON BOARD OF APPEALS

**Minutes of Meeting
November 2, 2015
Acton Town Hall
Room 126**

Board of Appeal members attending: Jonathan Wagner; Richard Fallon, Adam Hoffman. Also present: Roland Bartl, Planning Director, Robert Hummel, Assistant Planner, and Cheryl Frazier, Board of Appeals Secretary. Also present at the hearing were petitioners Michael and Beatriz Maimone, Jeff Kehm, Architect and a couple abutters.

Jonathan Wagner called the meeting to order at 7:30 PM.

Consent Agenda- Draft Minutes

The September 14th minutes were not approved (due to minutes not being available)

Public Hearing – Hearing #15-12 – 253A School Street – Special Permit

Jonathan Wagner read the contents of the file and asked the petitioner to begin. Jeff Kehm, Architect for the petitioner explained they are requesting relief from the Zoning Bylaw Section 8.1.5 to build a 425 square foot single story family room addition including a basement to the rear of the existing dwelling on a nonconforming lot in excess of 15%. The existing Gross Floor Area is 2,844 square feet.

The proposed addition meets rear, side and front yard setbacks as required under the Zoning Bylaw for the R-2 Zoning District. The Planning Department has no objection to granting the requested special permit.

Jon asked the only abutter present if he had any concerns with what was being proposed. Stuart Ferguson lives at 249 School Street and said they fully support it.

Jon asked the board if they believed the expansion will increase the non-conformity. Adam and Rick both agreed that it would increase it, but don't feel that it would be more detrimental to the neighborhood. Jon does not have a problem with it at all and believes it is an improvement and not more detrimental. They all agreed that it was an accurate presentation by the Architect and believe it was done in modest taste.

Jon moved to close the hearing.

The Board went over the mandatory findings for granting a special permit.

Jon Wagner moved to Grant the Special Permit for 253A School Street with the condition that it complies with the plans submitted. The motion was seconded. The Board voted unanimously to Grant the Special Permit.

Citizens' Concerns

Mark Starr, resident of 21 Elm Street is here tonight to ask the Board of Appeals about amending the Special Permit Decision that was granted in 1971 for the property he owns at 22 Elm Street (#71-12). The property is a four family apartment building as allowed under the 1971 Special Permit. The decision requires that there must be 2 acres of land with the apartment building. Mr. Starr would like to ask for removal of that condition to allow lot sizes as required in the zoning district. His Engineer is planning on retaining a copy of the recorded decision at the Registry of Deeds in Cambridge. The Board recommended that Mark Starr come before the Board of Appeals to amend the Board of Appeals Decision #71-12. A hearing would be required.

Administrative Updates

Roland mentioned the upcoming Special Town Meeting.
